THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2305 OF 2006

Dated: 17-02-2006

Between

The Fisherman Cooperative Society,
Thummalagudem, Thummalagudem (V)
Ramannapet Mandal of Nalgonda District
rep. by its Secretary Earva Bala Mysaiah,
S/o. Rajaiah, R/o. Thummalagudem,
Ramannapet Mandal of Nalgonda District.

...PETITIONER

AND

The District Panchayat Officer, Nalgonda
and others.

...RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents.

Learned counsel for the petitioner submits that the petitioner-society was registered under the provisions of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') with registration No.283/TH dated 15.09.1958 and thereafter an amendment certificate was

issued on 15.12.2001 and the society has 12 villages under its area including the Lothukunta village. The learned counsel further submits that petitioner-society was the lessee in respect of Lothukunta tank for the year 2004-2005 on the lease amount of Rs.6,500/- and the said tank belongs to the Gram Panchayat. As per the orders of the Government in G.O.Ms.No.343 Panchayat Raj dated 10.04.1978 before granting lease by way of public auction the Gram Panchayat shall intimate the concerned Fisherman Cooperative Societies to give their acceptance to take the lease at the rate fixed by the District Panchayat Officer but the fifth respondent has not informed the petitioner-society seeking their willingness to accept the leasehold rights.

On the other hand the learned counsel for the respondents submits that a criminal case was registered, against the members of the petitioner-society including its President, in Cr.No.54 of 2005 by the Sub Inspector of Police, Ramannapet in which charge sheet was filed which was numbered as PRC.No.36 of 2001 on the file of the Judicial Magistrate of First Class, Ramannapet. It is further submitted that the said tank was leased out in favour of the Saraswati Samabhavana Sangham, Lothukunta represented by Smt. Palapaka Lakshamamma and Andalu, for the lease amount of Rs.6,500/- and the said sangham also sowed the seed of the fish.

Learned counsel for the petitioner further submits that the said action of the fifth respondent is illegal and contrary to the orders of the Government in G.O.Ms.No.343 dated 10.04.1978 and also G.O.Rt.No.546 dated 25.03.1999. He further submits that as the dispute raised by the fifth respondent is without any justification,
the matter was reported to the District Panchayat Officer, who vide Memo.No.1250/05-B(3) (Pts) dated 06.01.2006 directed the Divisional Panchayat Officer to settle the issue for handing over the Lothukunta tank in favour of the petitioner-society of Thummalagudem in consultation with the Deputy Director of Fisheries, Nalgonda and Sarpanch, Gram Panchayat of Valigonda Mandal.

Having regard the facts and circumstances of the case,
the matter is remitted directing the first respondent – District Panchayat Officer, Nalgonda to issue notices to the petitioner, fifth respondent and the Saraswati Samabhavana Sangham seeking information and pass appropriate final order in accordance with law within a period of four weeks from the date of receipt of a copy of this order and till then status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 17, 2006

Note: Furnish C.C. of the order by 20.02.2006

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DSK